

IN RE: PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE  
S/S Lockwynd Court, 360' W of  
the c/l of Highland Ridge Road  
(3 Lockwynd Court)  
10th Election District  
3rd Councilmanic District  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-162-A  
Tony Van, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A03.4.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 71 feet in lieu of the required 100 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of November, 1991 that the Petition for Residential Variance from Section 1A03.4.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 71 feet in lieu of the required 100 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

November 19, 1991

Mr. & Mrs. Tony Van  
3 Lockwynd Court  
Phoenix, Maryland 21131

RE: PETITION FOR RESIDENTIAL VARIANCE  
S/S Lockwynd Court, 360' W of the c/l of Highland Ridge Road  
(3 Lockwynd Court)  
10th Election District - 3rd Councilmanic District  
Tony Van, et ux - Petitioners  
Case No. 92-162-A

Dear Mr. & Mrs. Van:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel

File

## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-162-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1A03.4.B.4 - to allow a setback of 71' to the street centerline in lieu of the minimum required 100'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

BASEMENT OF THE GARAGE IS VERY IMPOSSIBLE OR IMPRACTICAL DUE TO A VERY STEEP HILL WHICH WOULD COST A LOT OF MONEY TO BUILD THE BASEMENT. SEE ATTACHED PHOTO.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of Oct, 1991, that the subject matter of this petition be posted on the property on or before the 27th day of Oct, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of Oct, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



REVIEWED BY: JJS DATE: 11-19-91

ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date: 11/19/91

By: [Signature]

## AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3 Lockwynd Ct  
PHOENIX MD 21131  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

BASEMENT OF THE GARAGE IS VERY IMPOSSIBLE OR IMPRACTICAL DUE TO A VERY STEEP HILL WHICH WOULD COST A LOT OF MONEY TO BUILD THE BASEMENT. SEE ATTACHED PHOTO.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature) TONY VAN  
AFFIANT (Printed Name) TONY VAN  
AFFIANT (Handwritten Signature) NEVITA L VAN  
AFFIANT (Printed Name) NEVITA L VAN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of October, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Tony Van and Nevita L. Van

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath to me in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

October 9, 1991  
DATE

Quan J. Basore  
My Commission Expires: 11/92

## Zoning Description

Beginning at a point on the south side of Lockwynd Ct., 360 ft. west of the centerline of Highland Ridge Rd. Being lot #2, Amended Plat 1 in the subdivision of The High land of Hunt Valley as recorded in Plat Book 39 folio 77. Also known as #3 Lockwynd Ct. and located in the 10 Election District.

92-162-A

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 10

Date of Posting: 11/19/91

Posted for: 11/19/91

Petitioner: TONY VAN

Location of property: 3 Lockwynd Ct, Phoenix, MD 21131

Location of Sign: 3 Lockwynd Ct, Phoenix, MD 21131

Remarks: None

Posted by: [Signature]

Date of return: 11/19/91

Number of Signs: 1

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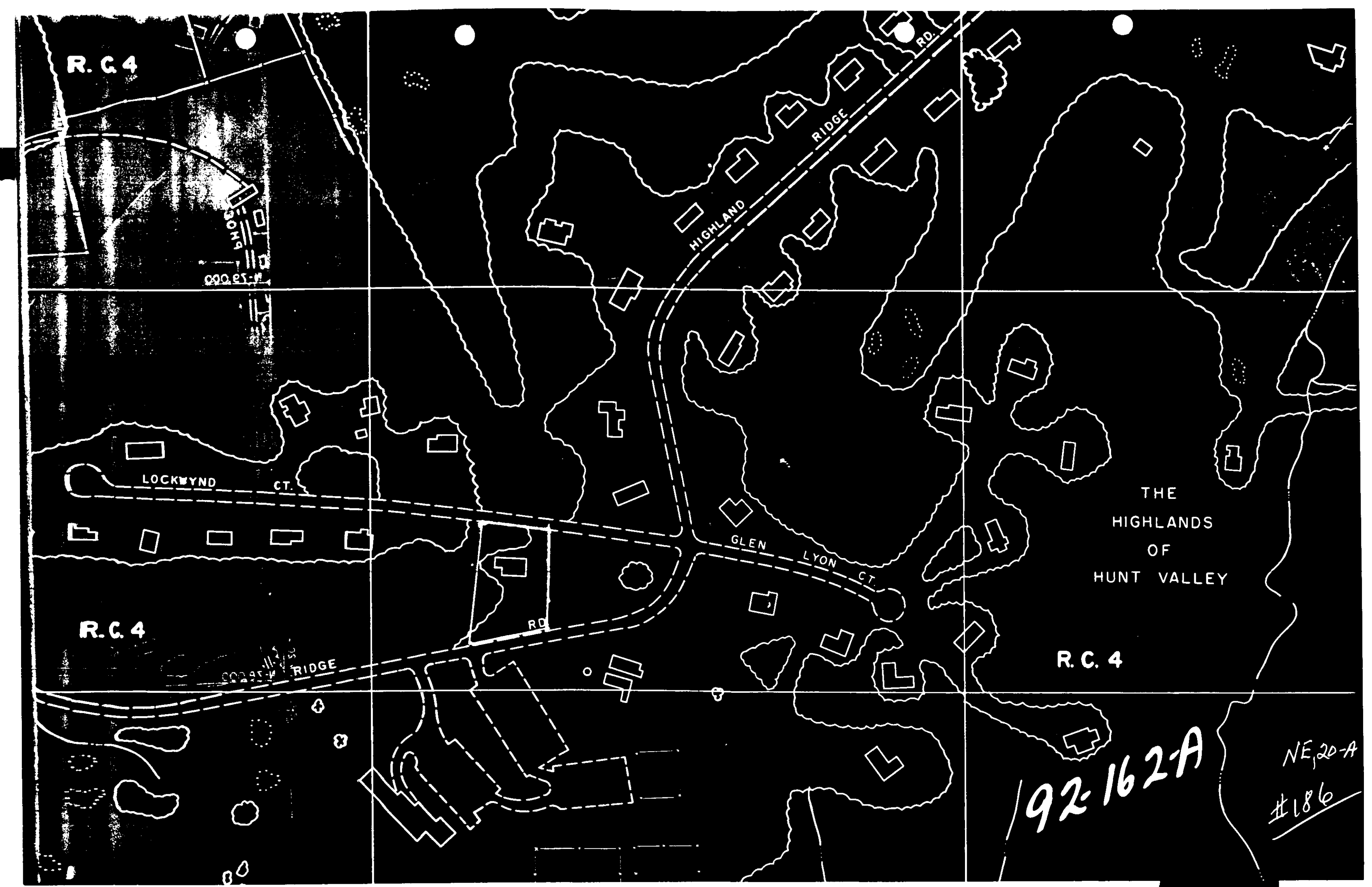
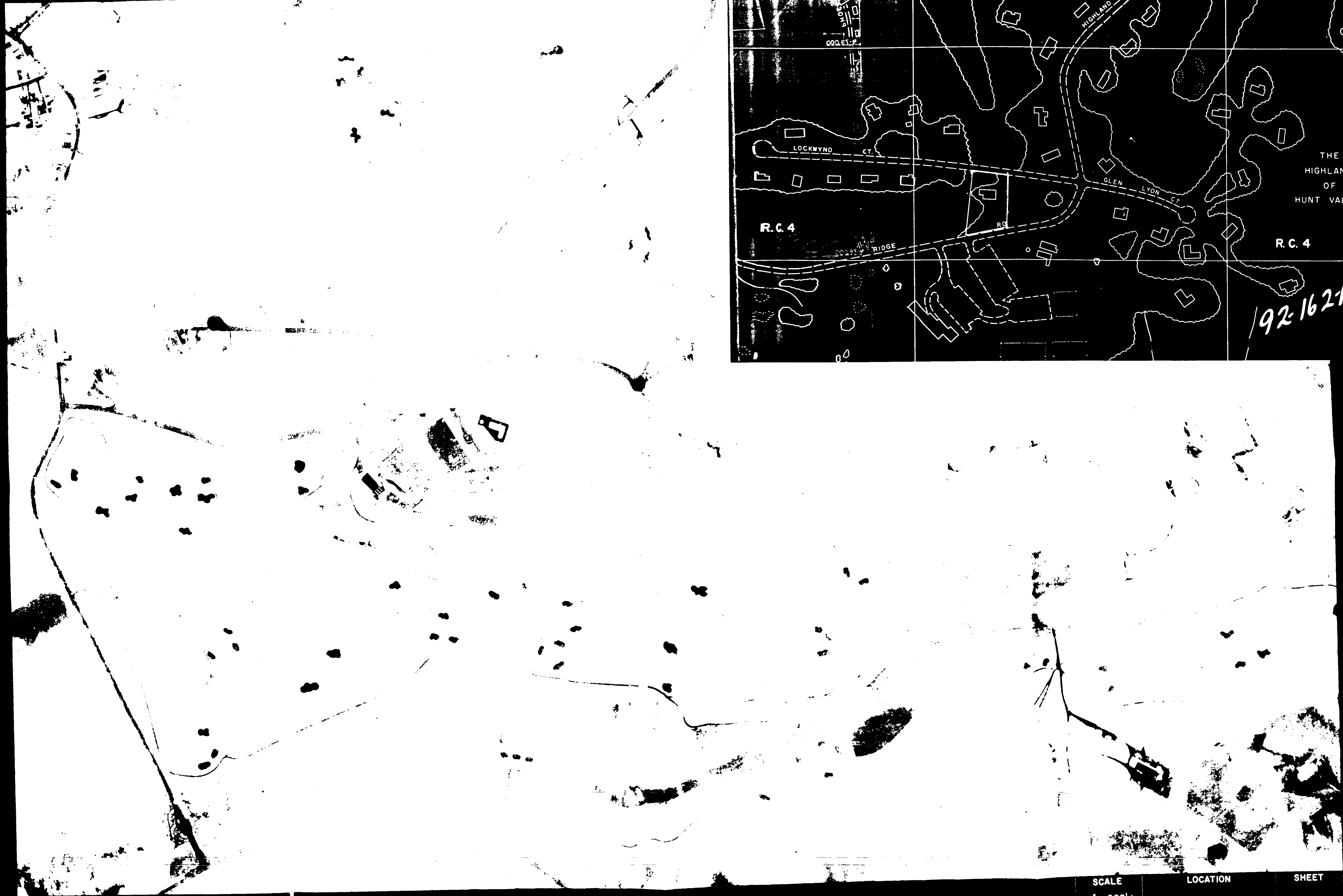
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BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	SOUTHEAST OF	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	PHOENIX	20-A
	92-162-A	

#186